

moving the first and second ultrasound emitting elements after the positioning step.

#### REMARKS

Claims 140-147 are pending in this application. Claims 140-147 are new and new claims 140-147 are supported by the disclosure related to the elected species of Figs. 71-73.

Applicant's submit herewith a docket of applications assigned to the assignee of the present invention. Applications 003-006 -C1, 003-006-C2, 003-006-C3 and 003-006C4 have a substantially similar disclosure to the present application and all three applications are continuations of the present application (atty docket no. 003-006). The applications filed after the present application also incorporate the present disclosure.

The canceled claims were rejected as being anticipated by, or obvious over, Marcus et al. '484, Cline et al. '845, Sanghvi et al. '692 and/or Negus et al. '848 collectively "the cited art."

#### Discussion

New independent claim 140 is patentably distinguishable over the cited art since the cited art does not disclose or suggest "providing an ablating device having a first ultrasound emitting element and a second ultrasound emitting element; positioning the ablating device against an epicardial surface overlying a cardiac tissue structure to be ablated; activating the first ultrasound emitting element at a first frequency to produce focused ultrasound having a focal length of 2-20 mm, the focused ultrasound ablating a cardiac structure; and activating the second ultrasound emitting element at a second frequency, different from the first frequency, to produce focused ultrasound having a focal length of 2-20 mm."

New independent claim 144 is patentably distinguishable over the cited art since the cited art does not disclose or suggest "providing an ablating device having a body with a first ultrasound emitting element and a second ultrasound emitting element, the first and second ultrasound emitting elements both producing focused ultrasound, the first and second ultrasound emitting elements producing focused ultrasound having different focal lengths relative to the body; positioning the ablating device at an epicardial location; activating the first ultrasound emitting element to ablate cardiac tissue; and activating the second ultrasound emitting element."

Dependent claims 141-143 and 145-147 are allowable since they depend from allowable independent claims 140 and 144 and because they recite independently patentable features.

**CONCLUSION**

If the Examiner believes a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at 415-412-3322.

Respectfully submitted,

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FILE NO.	INVENTOR(S)	TITLE	APPLICATION NO.	FILING DATE	STATUS
002 (086)	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	08/943,683	10/03/97	Issued 12/19/00 Patent No. 6,161,543
002-C1 (086-C1)	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	09/606,742 —	06/28/00	Pending
002-C2	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	09/954,393 —	09/12/01	Pending
002-C3	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	10/171,411 —	6/12/02	Pending
002-C4	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	10/171,390 —	6/12/02	Pending
002-C5	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	10/172,732 —	6/14/02	Pending
003-CP (101-CP)	Vaska, Merrick, Shah, deClercq	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/157,824	09/21/98	Issued 05/29/01 Patent No. 6,237,605
004	Vaska, Pless, Gallup, Ulstad, Anderson, Richman, Merrick, Shah, deClercq	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/356,476	07/19/99	Issued 11/06/01 Patent No. 6,3314,963
004-C1	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/440,339	11/15/99	Issued 11/13/01 Patent No. 6,3314,962- 6,331,692
004-C2	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/440,830	11/15/99	Issued 11/13/01 Patent No. 6,3314,963 6,331,692
004-C3	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/440,823	11/15/99	Issued 11/26/02 Patent No. 6,484,727
004-C4	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/440,825	11/15/99	Issued 11/05/02 Patent No. 6,474,340

FILE NO.	INVENTOR(S)	TITLE	APPLICATION NO.	FILING DATE	STATUS
004-C5	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	10/171,389 -	06/12/02	Pending
004-C6	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE (cont. of 004-C3)	10/232,963 -	08/30/02	Pending
004-C7	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE (cont. of 004-C4)	10/232,964 -	08/30/02	Pending
005	Anderson, Podmore, Richman, Vaska, Gallup, Crowe, Ulstad, Pless	APPARATUS & METHOD FOR ABLATING TISSUE	09/507,336 -	02/18/00	Pending
006	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/614,991 -	07/12/00	Pending
006-C1	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/698,357 -	10/27/00	Pending
006-C2	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/699,150 -	10/27/00	Pending
006-C3	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/698,639 -	10/27/00	Pending
006-C4	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/699,215 -	10/27/00	Pending
007	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	09/884,435 -	06/19/01	Pending
007-C1	Sliwa, Vaska, Podmore, Richman, Anderson,	METHODS AND DEVICES FOR ABLATION	10/008,904 -	12/05/01	Pending

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	Champsaur, Crowe				
007-C2	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/010,409	12/05/01	Pending
007-C3	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/006,064	12/05/01	Pending
007-C4	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/008,997	12/05/01	Pending
007-C5	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/006,088	12/05/01	Pending
010	Sliwa, Vaska, Podmore, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/077,470	02/15/02	Pending
010-C1	Sliwa, Vaska, Podmore, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/238,821	09/10/02	Pending
010-C2	Sliwa, Vaska, Podmore, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/238,937	09/10/02	Pending
011	Vaska, Crowe, Miller, Podmore, Champsaur, Hoffmann, Tansey	METHODS AND DEVICES FOR ABLATION	10/255,134	09/24/02	Pending